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MEMORANDUM FOR: Director, Intelligence Community Staff

FROM: Charles A. Briggs
Director, Office of Legislative Liaison

SUBJECT: Proposed Legislative Program for the Second Session of the 99th Congress

Attached for inclusion in the MFIF package being submitted to CMB is our proposed Intelligence Community Legislative Program for the Second Session of the 99th Congress. You will note that many of the proposals contained in the program were included in last year's Legislative Program which received Administration clearance.

/s/Charles A. Briggs

Charles A. Briggs

Attachment

Distribution:

Original - Director/IC Staff

2 - NSC Staff (deGraffenreid/Thompson)

1 - Department of State (Levitt)

1 - DCD (Hess)

1 - DCD (Winchester)

2 - DIA

1 - DIA

1 - NSA

1 - DoJ (Perkins)

1 - FBI (Loran)

1 - SA/DCI

1 - SA/DDCI

1 - EXDIR

1 - DEC

1 - Comptroller

1 - C/IE/CLI

1 - DE/CLI

1 - OLL/IEG/Subject file (FY 1987 Intelligence Authorization Bill, 99th Congress)

1 - SWP/Signer

OLL/LEG/SWH

pap/dpt (8 January 1986)

DEI

DD&T

DA

IC

General Counsel

D/CLI

OLL Chrono (Ref: OLL85-3304/3)

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OLL 86-0075/1
8 January 1986

CENTRAL INTELLIGENCE AGENCY
AND
INTELLIGENCE COMMUNITY
PROPOSED LEGISLATIVE PROGRAM
FOR THE
SECOND SESSION OF THE 99th CONGRESS

LEGISLATIVE PROPOSALS

- 99/2 - 1: Fiscal Year 1987 Intelligence Authorization Act
- The Director of Central Intelligence will submit to the Office of Management and Budget for clearance a proposed Fiscal Year 1987 Intelligence Authorization Act for transmittal to the Congress.
- 99/2 - 2: Classified Information Procedures Act Amendments
- The Director of Central Intelligence may propose or support amendments to the Classified Information Procedures Act to require a defendant to give notice prior to trial if he intends to claim in his defense that he was, or believed he was, acting on behalf of a federal law enforcement or intelligence agency at the time of the alleged offense.
- 99/2 - 3: Legislation to Ensure the Central Intelligence Agency's Continued Ability to Recruit and Maintain the Quality Work Force Essential to the Effective Performance of the National Intelligence Mission
- The Director of Central Intelligence will propose, either in connection with the proposed supplemental retirement system for new federal employees, or as an amendment to the Central

Intelligence Agency Retirement and Disability System, legislation to deal with the impact of Social Security coverage and federal retirement system changes, particularly: (a) to prevent the adverse effect that indiscriminate increases in retirement ages would have on intelligence operations; and (b) to ensure that Agency security requirements, especially identities protection, are fulfilled in the administration of retirement benefits for Agency employees.

99/2 - 4:

Protection of Intelligence Information

The Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Act a proposal to provide criminal penalties for willful unauthorized disclosures of classified information by federal employees and others having authorized access to classified information and may support this proposal as contained in other legislation.

99/2 - 5:

Retirement Benefits for Agency Employees
Serving in Unhealthful Areas

The Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Act legislation to provide an extra retirement credit to Agency employees who serve overseas in unhealthy areas, but are not participants in CIARDS.

99/2 - 6:

Department of Defense Proprieties

At DCD's request, the Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Act legislation which would grant the Department of Defense authority to establish and operate corporations or other business entities in support of authorized and appropriately coordinated intelligence activities.

99/2 - 7:

Interlocutory Appeal Authority

The Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Act legislation to amend the United States Code to permit an

interlocutory appeal by the United States from any decision of a United States court or a judge thereof on any evidentiary ruling or dispositive motion when the Director certifies that the decision being appealed would have an adverse impact on the national security.

99/2 - 8:

Remedy for Injuries Arising out of Acts or Omissions of Intelligence Community Personnel

The Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Act legislation to amend the National Security Act of 1947 to provide that any cause of action a person may have for injury based on an act or omission of an officer or employee of an intelligence agency would be against the United States exclusively and may support this proposal as contained in other legislation.

99/2 - 9:

Miscellaneous Intelligence Community Amendment

In light of the uncertainty created by recent case law concerning alcohol and drug abuse, the Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Act legislation to ensure that the Intelligence Community agencies are able to continue to deal with security problems in the area of alcohol and drug abuse without regard to the provisions of any other law, rule, or regulation.

99/2 - 10:

Exemption from Requirement to Publish Record Disposal Requests

The Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Bill legislation to amend the U.S. Code to exempt the Agency from the requirement that the Archivist publish in the Federal Register the records disposal requests of the Agency for the purpose of soliciting public comment.

99/2 - 11:

Conformance of Certain Provisions of CIARDS with P.L. 98-615

The Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Act, or in separate

legislation, an amendment to the CIA Retirement and Disability System (CIARDS) to incorporate certain former spouse entitlements which were made available to former spouses or participants in the Civil Service Retirement System by passage of P.L. 98-615.

99/2 - 12:

Post Employment Restrictions for Former Intelligence Officers

The Director of Central Intelligence (DCI) may include in the proposed Fiscal Year 1987 Intelligence Authorization Bill, legislation which would impose a five-year bar to employment by former intelligence officers with foreign governments except with DCI approval.

99/2 - 13:

FOIA Relief for FBI

In addition to the FOIA relief currently being sought by FBI-DoJ, an amendment to the FOIA may be proposed by the DCI, at FBI's request, which would exempt the FBI's counterterrorism files and counterintelligence files from the provisions of the FOIA that require search, review, and publication, provided those files are not older than five years.

99/2 - 14:

Access by FBI and DOD to Financial Records

At FBI's request, the Director of Central Intelligence may include in the proposed FY-87 Intelligence Authorization bill an amendment to the Right to Financial Privacy Act of 1978 that would require financial institutions to comply with requests by the FBI for financial records when such requests have been approved by the Attorney General or his designee for domestic counterintelligence purposes. The Department of Defense may also be included as appropriate in this proposal.

99/2 - 15: Access by FBI to Tax Records

At FBI's request, the Director of Central Intelligence may include in the proposed FY-87 Intelligence Authorization bill legislation that would authorize the FBI, upon approval by the Attorney General or his designee, to receive tax return and taxpayer information regarding individuals that are subject to domestic counterintelligence investigations.

99/2 - 16: Access by FBI to Toll Records

At FBI's request, the Director of Central Intelligence may include in the proposed FY-87 Intelligence Authorization bill legislation that would require telephone companies to comply with requests by the FBI for toll records when such requests have been approved by the Attorney General or his designee for domestic counterintelligence purposes.

99/2 - 17: Authority to Expend Funds for Consultation with Foreign Officials

At FBI and DCD's request, the Director of Central Intelligence may include in the proposed FY-87 Intelligence Authorization bill legislation that would authorize the expenditure of funds to bring foreign officials who have counterintelligence responsibilities in their own countries to the United States for consultation with FBI and DCD representatives.

99/2 - 18: Access by FBI to State and Local Criminal Records

At FBI's request, the Director of Central Intelligence may include in the proposed FY-87 Intelligence Authorization bill legislation that would authorize access by the FBI to state and local criminal records for purposes of determining eligibility for access to classified information.

99/2 - 19:

Department of Defense Proposal to Provide a Method for Promoting Military Intelligence Officers Below the Rank of Brigadier General and Rear Admiral, Lower Half

At DOD's request, the Director of Central Intelligence may support an amendment to provide a method whereby military officers serving in the intelligence organizations of the military departments who can be promoted only with the advice and consent of the Senate, may be promoted in a secure fashion without compromising either their identities or the intelligence activities in which they are engaged.

99/2 - 20:

Defense Intelligence Agency (DIA) Proposal to Extend Termination Authority of Secretary of Defense with Respect to Defense Intelligence Agency Civilian Personnel

At DIA's request, the Director of Central Intelligence may include an amendment to Chapter 83 or title 10, United States Code, to extend for two additional Fiscal years the authority of the Secretary of Defense to terminate the employment of DIA civilian personnel originally provided in Title V of the FY-85 Intelligence Authorization Act.

99/2 - 21:

Department of Defense Proposal to Extend the Provision of Section 1604, P.L. 98-618 to the Military Departments

Title V of the Fiscal Year 1985 Intelligence Authorization bill (P.L. 98-618) entitled, "Defense Intelligence Agency Personnel Management Improvements", granted the Secretary of Defense certain personnel management authorities with regard to civilian officers and employees in the Defense Intelligence Agency. At DOD's request, the Director of Central Intelligence may include in the proposed FY-87 Intelligence Authorization Act legislation to extend these authorities to civilian officers and employees in the intelligence organizations of the military departments.

99/2 - 22:

Exchange of Mapping, Charting, and Geodetic Data with Foreign Nations

At DCD's request, the Director of Central Intelligence may include in the proposed FY-87 Intelligence Authorization Act legislation which would grant the Defense Mapping Agency authority to exchange or furnish mapping, charting and geodetic (MC&G) data, supplies or services to a foreign country pursuant to an agreement for the production or exchange of MC&G data.

99/2 - 23:

Related Travel and Medical Care Expenses for Defense Intelligence Agency Civilian Employees Serving Overseas

At DIA's request, the Director of Central Intelligence may include an amendment to provide DIA the authority to pay for travel and related expenses in connection with obtaining necessary medical care for DIA civilian employees serving abroad equivalent to that now available to CIA, NSA and Foreign Service employees.

99/2 - 24:

Exceptional Intelligence Community Award Program

At DCD's request, the Director of Central Intelligence may include in the proposed Fiscal Year 1987 Intelligence Authorization Act legislation to ensure that there is authority for the granting and acceptance of incentive awards for service performed by civilian and military personnel for intelligence-related activities.